

**TOWN OF WEST NEWBURY
PLANNING BOARD
Wednesday March 6th, 2024 7:00 p.m.
AGENDA**

For Remote Participation (see below)

1. Continued Public Hearing – 125 River Road, Eagle Nest Subdivision
2. 519 Main Street – Deer Run – Update
3. Drakes Landing – Request for Project Closeout
4. Housing Opportunities Initiative
 - a. Outreach
 - b. District Discussion
5. Planners Report
6. General Business:
 - Minutes – February 6, 2024; Others, if any.
 - Correspondence
 - Administrative Details: Potential Relocation of Trail in Meadowbrook
 - What process does the Planning Board require to consider an adjustment to the trail easement?
 - Placement of Items for Future Planning Board Agendas
 - Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting
The Planning Board reserves the right to take Agenda items out of order

Addendum to Meeting Notice Regarding Remote Participation

Pursuant to Chapter 2 of the Acts of 2023 that includes extending certain COVID - 19 measures adopted during the state of emergency, this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible. Members of the public who wish to view and/or listen to the meeting may do so using Zoom, by calling the telephone number or using the VideoLink listed below:

Zoom Meeting Instructions:

Phone: 1+(646) 558-8656

VideoLink: <https://us06web.zoom.us/j/81433049071?pwd=SO5ux7afWkkNNCBt9C8qIBKsMyEsOW.1>

Meeting ID: 814 3304 9071

Passcode: 924099

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.



1 East River Place
Methuen, Massachusetts 01844
Tel. (978) 687-3828
Fax (978) 686-5100
www.andoverconsultants.com

February 27, 2024

via email

Town of West Newbury
c/o Sue Brown, Town Planner
Planning Department
381 Main Street
Est Newbury, MA 01985

**Re: 125 River Road
Definitive Subdivision
Revised Lot Layout**

Dear Ms. Brown and Members of the Board:

On behalf of the Applicant, Michael Fusco, please find attached a plan showing a revised lot layout for the 125/171 River Road Definitive Subdivision known as "Eagles Nest" (the Project). The revised lot layout provides frontage (388.15') for the "*Remaining Land*", which is the 125 River Road Parcel, along the proposed private right of way.

Currently, the existing dwelling located at 125 River Road has two separate frontages along River Road, 148.32' on the western side of the lot and 83.45' on the eastern side of the lot, for a total frontage of 231.77'. The Project would eliminate the 83.45' of eastern frontage, and the revised plan would add the 388.15' of frontage to compensate and bring the lot at 125 River Road into zoning compliance.

The proposed revision to the lot layout would not require the proposed dwellings or paved traveled way to be relocated; the potential location of the on-site sewage disposal system (septic system leaching field) for Lot 1 would have to be shifted away from this new lot line, which we do not anticipate will be an issue.

Attached to this cover letter is a revised Lot Layout Sheet which shows the above described lot line revision. We are requesting input from Town Staff prior to making further plan revisions and responding to comments prepared by the Planning Board's Peer Reviewer.

If you have any questions concerning the attached, or require anything further, please feel free to contact me at your convenience.

Sincerely,

Andover Consultants Inc.

A handwritten signature in cursive script that reads "Dennis A. Griecci".

Dennis A. Griecci, P.E., LEED AP

Enclosure

Cc: Sam Joslin, Building Inspector (via email)
Applicant (via email)

ZONING SUMMARY TABLE - RB				
	REQUIRED	PROPOSED LOT 1	PROPOSED LOT 2	PROPOSED LOT 3
LOT AREA	40,000 S.F.	101,477 S.F.	52,642 S.F.	563,010 S.F.
CBA	30,000 S.F. (75%)	93,052 S.F.	45,800 S.F.	130,000 S.F.±
FRONTAGE	200'	205.43'	259.69'	315.84'
FRONT YARD SETBACK	40'	>40.0'	>40.0'	>40.0'
SIDE YARD SETBACK	20'	>20.0'	>20.0'	>20.0'
REAR YARD SETBACK	20'	>20.0'	>20.0'	>20.0'
LOT WIDTH	180'	294.36'	271.63'	356.18'

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERERS OF DEEDS OF MASSACHUSETTS.
Peter D. Goodwin
 REG. PROF. LAND SURVEYOR

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE _____
 HEARING _____

I, _____ CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK
 REFERENCE PLANS:
 PLANS ON FILE AT THE ESSEX COUNTY REGISTRY OF DEEDS, SOUTHERN DISTRICT.
 1.) PLAN BOOK 173 PLAN 64
 2.) PLAN BOOK 39282 PLAN 206
 3.) PLAN BOOK 164 PLAN 207
 4.) LAND COURT PLAN 33173-B
 5.) LAND COURT PLAN 33173-A
 ASSESSORS REFERENCE:
 MAP R24 LOT 12
 MAP R24 LOT 10A
 ZONING DISTRICT: RB

Revision No.	Revision Description	Date
2	ADJUST REMAINING AREA FOR ZONING	FEB. 26, 2024
1	REVISIONS PER INITIAL PEER REVIEW	DEC.18, 2023

DEFINITIVE SUBDIVISION PLAN
EAGLE NEST
WEST NEWBURY, MASS.

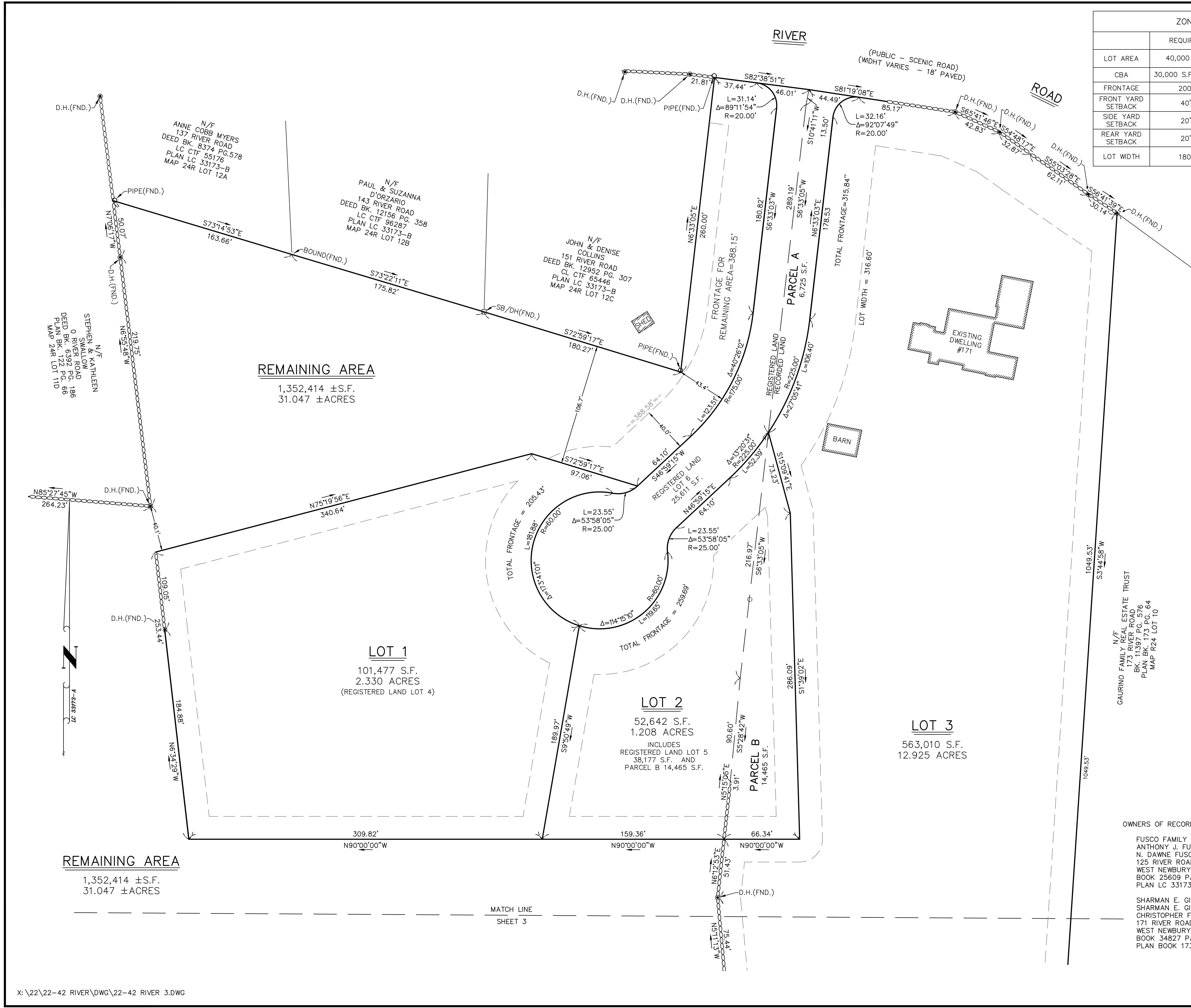
PREPARED FOR: MICHAEL FUSCO
 DATE: NOVEMBER 20, 2023
 SCALE: 1" = 40'

andover consultants inc.
 1 East River Place
 Methuen, Mass. 01844
 Telephone: 978-687-3828

Peter D. Goodwin
 No. 48133
 REGISTERED LAND SURVEYOR

Peter D. Goodwin
 Reg. Prof. Land Surveyor

0 40 80 120 160 Ft.
 0 10 20 40 Meter



OWNERS OF RECORD:
 FUSCO FAMILY IRREVOCABLE TRUST
 ANTHONY J. FUSCO &
 N. DAWNE FUSCO TRUSTEES
 125 RIVER ROAD
 WEST NEWBURY, MA 01985
 BOOK 25609 PAGE 254
 PLAN LC 33173-A
 SHARMAN E. GINGRICH TRUST
 SHARMAN E. GINGRICH &
 CHRISTOPHER F. HARRIS TRUSTEES
 171 RIVER ROAD
 WEST NEWBURY, MA 01985
 BOOK 34827 PAGE 450
 PLAN BOOK 173 PLAN 64

February 27, 2024

via email

Town of West Newbury
c/o Sue Brown, Town Planner
Planning Department
381 Main Street
Est Newbury, MA 01985

**Re: 125 River Road
Definitive Subdivision
Response to Staff Comments**

Dear Ms. Brown and Members of the Board:

We are in receipt of comments from various Town Staff and Departments, which were emailed to us by Sue Brown on February 7th. On behalf of the Applicant, Michael Fusco, please find attached our response below to these comments. We have reproduced Staff comment in *italics* with our response following in **bold**.

Conservation:

The Conservation Commission is in receipt of this plan set as well as part of a Notice of Intent filing for the roadway, driveways, and grading. I have confirmed with the engineer that this NOI filing does not include work for the proposed houses and associated grading and utilities. These will be two future NOI filings. The public hearing for the NOI is on the Commission's 12/18 agenda and I believe they will move to send this to peer review for confirmation of the wetlands delineation.

We hope that the responses below, along with the revised layout plan attached, will allow the project to advance to the next stage of the review process with the Planning Board.

Response: A Notice of Intent (NOI) has been submitted to the Conservation Commission and to MassDEP and the public hearing process for the project has been opened. We are awaiting the above-mentioned peer review to be completed to confirm the wetland boundary and will response to comments as necessary through the NOI process.

Board of Health:

1. No official soil testing has been conducted for septic systems or stormwater structures.

Response: A waiver has been requested from section 3.3.3.4.10 which requires "Location, identification and test results of all soil testing including establishment of ledge, estimated seasonal high groundwater table and percolation /infiltration rates in support of both proposed stormwater and sanitary (septic) systems". A waiver is being requested to allow for the septic soil testing to be done following a decision. Prior to a building permit being granted, soil testing would be conducted and a septic system plan would be designed in accordance with Local and State regulations and submitted to the Health Department for review and approval.

2. *The proposed septic locations are located within the 100' buffer zone, thus pre-treatment will be required pursuant to the local BOH septic regulations.*

Response: The systems would be designed in compliance with the West Newbury Board of Health Regulations as well as Title 5 Septic System regulations, including pretreatment as required.

3. *A stormwater permit is needed for the project (local stormwater bylaw/regulations),*

Response: A "Tier Two" Stormwater Permit was submitted to the Planning Board for review and approval.

4. *Depending on the depth to GW, there may be substantial fill needed around the septic systems. This may require grading easements and/or relocation of the erosion control barriers,*

Response: If relocation of erosion control is necessary due to grading of septic systems, the Conservation Commission will be notified as required. As noted in the Conservation comment, the Project NOI submitted was for the construction of the roadway, utilities, stormwater features, etc and NOIs for the individual single homes will come in separately.

5. *It is highly recommended to conduct soil testing on the existing property of 171 River Road to verify adequate soils for a future replacement of the existing septic system.*

Response: The design plans for the 171 River Road system shown "Reserve Area" in-between the proposed trenches. Should the system require a replacement, it has been contemplated in the original design plans and the proposed lot lines would not create any dimensional setback issues should it be necessary.

6. *The construction access for the construction of replication areas 2 & 3 should be provided and erosion controls revised as needed*

Response: Comment noted and this revision will be made as part of future plan revisions including responding to the Board's peer reviewer comments.

DPW:

1. *For this project, I would like to avoid any water draining onto River Road. I have the revised plan which includes the 8' drainage diameter crushed stone settling pool. Is this big enough?*

Response: The proposed drainage system has been designed to conform with the Town's "Tier Two" Stormwater Management Regulations criteria. Additional information and calculations can be provided to the DPW with regards to their specific comment to ensure compliance with the Regulations and to address any concerns.

2. *The sight lines coming out of the common driveway looking east is limited. 30 feet from the centerline of the common driveway looking east there is a utility pole with a bush that hinders the ability to see.*

Response: The existing driveway at 171 River Road currently operates under the conditions described above with no reported issues; the Project would add two single family dwellings and will not generate excessive traffic. The applicant and land owners' are open to cutting down or thinning vegetation to the extent necessary to improve sight lines to the maximum extent feasible. The applicant has requested a waiver from section 4.2.2.5 of the Subdivision Regulations relating to sight distance.

Police/Fire:

This section of town does not have access to municipal water (hydrants), and access to the river is not an option for drafting water. This certainly increases the complexities with fire firefighting operations but is not unusual for West Newbury. The location of the cistern and turn around on the supplied plans look great and

would support FD water supply operations. I would be open to following up with the board, and owner/engineering team to answer any questions.

Response: No response necessary. The Applicant and project team are open to further discussion with the Police and Fire departments as the project advances.

Building Inspector:

No comments

Response: No response necessary.

With the above responses and the revised lot layout plan, which addresses zoning concerns raised by the Planner and Building Inspector, it is the Applicant's intention to advance with more involved plan revisions and responding to comments prepared by the Board's peer reviewer. If there are any additional concerns that the project team should address prior to these more time intensive revisions, please let us know.

Sincerely,
Andover Consultants Inc.



Dennis A. Griecci, P.E., LEED AP

Enclosure

Cc: Sam Joslin, Building Inspector (via email)
Applicant (via email)



VIA EMAIL: townplanner@wnewbury.org

February 25, 2024

West Newbury Planning Board
Attention: Sue Brown, Town Planner
Town Hall Office Building
381 Main Street
West Newbury, Massachusetts 01985

**Re: Interim As-Built – Definitive Subdivision
Major Boyd Drive
(F.K.A. 519 Main Street or Deer Run Lane)
West Newbury, Massachusetts**

Dear Planning Board Members,

We have received a copy of a plan entitled: “Interim As-Built Plan – Major Boyd Drive, West Newbury, MA” dated February 1, 2024, and revised February 23, 2024, as prepared by William & Sparages as well as a cover letter dated February 23, 2024, as prepared by William & Sparages. At the request of the Town of West Newbury Planning Board, Meridian Associates Inc., (MAI) has reviewed the above referenced Revised Interim As-Built Plan and Cover Letter, and offers the following comments, based on the revised Interim As-Built Plan in *blue* text below:

Interim As-Built Plan:

- The location, size and material of the water main and service connections should be shown on the plan;
The location, size and material of the water and service connections have been added to the plan. MAI has no further comments.
- The locations of any water gate valves, curb stops, shutoffs, etc. should be shown on the plan;
The locations of the water gate valves, curb stops, shutoffs, etc. have been added to the plan. MAI has no further comments.
- The locations of the new etc. lines should be shown on the plan;
The locations of the new electric lines have been added to the plan. MAI has no further comments.
- The depth of the stone infiltration trenches should be noted on the plan;
The depth of the stone infiltration trenches has been noted on the plan. MAI has no further comments.



- The locations of the inspection ports in the infiltration trenches should be shown on the plan;
The location of the inspection ports in the infiltration trenches has been added to the plan. MAI has no further comments.
- The top of berm elevations for the constructed wetlands should be noted on the plan;
The top of berm elevations for the constructed wetlands has been noted on the plan. MAI has no further comments.
- The bottom elevation and the berm elevation for Pond 1P, should be shown on the plan;
The bottom elevation and berm elevation for Pond 1P has been added to the plan. MAI has no further comments.
- The bottom elevation and the berm elevation for the Sediment Forebay at Pond 1P should be shown on the plan;
The bottom elevation and berm elevation for the sediment forebay at Pond 1P has been added to the plan. MAI has no further comments.
- The width and elevation of the spillway between the Sediment Forebay and Pond 1P should be shown on the plan;
The width and elevation of the spillway between the sediment forebay and Pond 1P have been added to the plan. MAI has no further comments.
- The twelve (12) inch HDPE invert in the catch basin, near Pond 2P should be shown on the plan;
The twelve (12) inch HDPE invert in the catch basin near Pond 2P has been added to the plan. MAI has no further comments.
- The rip rap apron at the twelve (12) inch pipe outlet on Lot 4 should be shown on the plan;
The rip rap apron at the twelve (12) inch pipe outlet on Lot 4 has been added to the plan. MAI has no further comments.
- A spot grade for the high point of the roadway around station 4+75, should be shown on the plan;
A spot grade for the high point of the roadway at approximately station 4+75 has been added to the plan. MAI has no further comments.
- There is a note referring to 'proposed siltation fence' that should be removed from the plan;
The note that read "proposed siltation fence" has been removed from the plan. MAI has no further comments.



Cover Letter:

- No Comments;
MAI has no further comments.

Site Walk:

- No Comments;
MAI has no further comments.

I am available to discuss these items with you at a Planning Board Public Hearing date to be determined. Please do not hesitate to contact me with any questions, comments or concerns via email at dkelley@meridianassoc.com or via phone at (978) 265-5402.

Sincerely,

MERIDIAN ASSOCIATES, INC.

David S. Kelley, P.E.
Vice President

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM J
CERTIFICATE OF PERFORMANCE
(Bond, Passbook, Tripartite Agreement, Other)

Date

The undersigned, being a majority of the Town of West Newbury Planning Board, hereby certify that sufficient surety, in the opinion of the said Planning Board, has been provided for the cost of the completion of the ways to provide access, frontage and services to certain lots, hereinafter designated, in accordance with provisions of the Approval with Covenant Contract - Form I dated June 14, 2021 and recorded in the Registry of Deeds Book 39986, Page 367 (or registered in Registry of Deeds, _____ as document No. _____ and noted on Certificate of Title No. _____, Registration Book _____, Page _____) said lot being shown as Lot 4 on a plan entitled Deer Run Place, Definitive Subdivision Plan, Major Boyd Drive

recorded with said Registry of Deeds in Plan Book 39986, Plan 378. (or registered in said Land Registry District in Plan Book _____, Plan _____) and said lot being shown as Lot 4 is hereby released from the restrictions as to sale and building specified in said Approval with Covenant Contract - Form I.

Lot 4 as shown on Plan now known as #1 and #3 Major Boyd Drive

Planning Board of the Town of West
Newbury, Massachusetts

By _____

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Date: _____, 20____

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission expires: _____



**TOWN OF WEST NEWBURY
OFFICE OF THE PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X125 Fax: 978-363-1119**

February 26, 2024

Michael Crowe
Deer Run Development, LLC
519 Main Street
West Newbury, MA 01985

Invoice #1

Deer Run Housing Contribution

Per the Town of West Newbury Inclusionary Housing Bylaw and Condition #1 of the Deer Run Definitive Subdivision Plan Approval, the amount of the Housing Contribution payment for ownership development of 3 to 7 units shall be equal to Average Market Sales Price times the number of new units times 4%.

With the understanding that the Average Market Sales Price for Units #1 and #3 Major Boyd Drive (Lot 4) is \$875,000, the amount due to satisfy the condition for the release of these two housing units is \$70,000. [\$875,000 x 2 x .04 = \$70,000.]

Note: The Housing Contribution balance due for the four remaining units will be payable in advance of request for a Certificate of Occupancy for those units.

INVOICE #1 TOTAL: **\$70,000.**

Please remit in full to:

West Newbury Affordable Housing Trust
381 Main Street
West Newbury, MA 01985

Thank you,

Sue Brown
West Newbury Town Planner

**AMENDED TRIPARTITE AGREEMENT
DRAKES LANDING PHASE II**

AGREEMENT made this _____ day of _____, 2020, by and between Cottage Advisors MA, LLC, a Massachusetts Limited Liability Company, having a principal place of business located at 487 Groton Road, Westford, MA, 01886, (hereinafter called "Cottage Advisors") for itself, its successors and assigns, and LOWELL FIVE CENT SAVINGS BANK, a Massachusetts Lending Institution, having a principal place of business at 30 International Place, Tewksbury, MA 01876 (hereinafter referred to as "Lowell Five") and the Planning Board of the Town of West Newbury, (hereinafter referred to as "Planning Board.")

WHEREAS, Cottage Advisors is the owner of an Open Space Preservation Development known as Drakes Landing, located off Main Street in West Newbury, MA and as shown on the plan of land entitled "Open Space Preservation Development Plan" prepared for Cottage Advisors, LLC, prepared by Cammett Engineering, 297 Elm Street, Amesbury, MA, dated March 20, 2018, which Plan is recorded with the Essex South District Registry of Deeds in Plan Book 464, as Plan 93 (the "Plan" or "Subdivision Plan"), and,

WHEREAS, in order to secure timely performance of Developer's Obligations, Cottage Advisors has executed, acknowledged and delivered a Covenant Not to Convey to the Planning Board, which Covenant Not to Convey is dated March 28, 2018 and recorded with said Deeds in Book 36632, Page 194; and

WHEREAS, in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 81U, as security for the full and faithful performance of the covenants of Cottage Advisors with the Planning Board for completion of certain work as shown on the Subdivision Plan, Cottage Advisors entered into a Tri-Party agreement for the security of its obligations by holding back mortgage proceeds in the amount of \$25,479.00, which Tri-Party agreement was recorded with the Essex South Registry of Deeds at Book 37858, Page 030; and

WHEREAS, Cottage Advisors is desirous of a reduction of the mortgage proceeds being held for the timely performance of the Developer's Obligations: and

West Newbury Tripartite Agreement

WHEREAS, Lowell Five is the holder of a first mortgage from Cottage Advisors dated April 26, 2018, and recorded in Essex South District Registry of Deeds at Book 36676, Page 486, and as modified in Book 37064, Page 356, and as security for its second Promissory note payable to the order of said Bank in the aggregate principal sum of \$4,000,000.00, said note and mortgage being dated April 26, 2018, and recorded in the Essex South District Registry of Deeds at Book 36676, Page 502, and as modified in Book 37064, Page 363, has agreed to retain from the proceeds of said Mortgage, the sums specified herein as surety for the timely performance of Developer's Obligations;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged the parties agree as follows.

In order to secure the timely performance of Developer's Obligations, Lowell Five shall retain in its possession, first mortgage proceeds in the amount of \$14,694 For Phase II and agrees to disburse said sums to Cottage Advisors only upon written notice from Planning Board setting forth the amount to be released. The Planning Board may, at the written request of Cottage Advisors from time to time authorize a reduction of the security as provided herein and, in such case, shall deliver a notarized certificate specifying such reduction to Cottage Advisors and Lowell Five. Upon receipt of a request for reduction, the Planning Board will require a review by it consultants and such request must be voted upon at a regularly scheduled meeting and such request should not be in an amount less than \$ 14,694.00. The Planning Board may reserve such sums that in its sole opinion is necessary to secure performance of Developer's Obligations.

In the event that Cottage Advisors fails to complete Developer's Obligations by the time specified in the Certificate of Vote (or at some future time as extended by the Planning Board), then after written notice to Lowell Five and Cottage Advisors, Lowell Five shall release such remaining funds to the Planning Board. The Planning Board, after proper authorization, shall apply such funds to the completion of Developer's Obligations.

Executed as a sealed instrument this _____ day of _____, 2020

Planning Board of West Newbury

Cottage Advisors MA, LLC

By: Howard J. Hall, Manager

Lowell Five Cent Savings

By: _____

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver’s license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Chairman or Member of the West Newbury Planning Board.

- **Notary Public**
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver’s license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____ to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

-**Notary Public**
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver's license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____ to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

-Notary Public

My Commission Expires:

GENERAL NOTES:

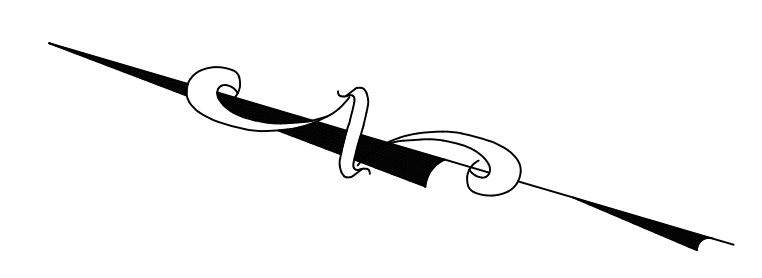
- 1.) LOCATION OF NOTED ITEMS WERE PROVIDED BY J. WHITE CONTRACTING VIA GPS.
- 2.) VERTICAL DATUM NAVD 1988.
- 3.) CONDITIONS OFFSITE, WITHIN AND ALONG MAIN STREET, THAT ARE SHOWN ON THIS PLAN ARE FROM THE ORIGINAL EXISTING CONDITIONS SURVEY PERFORMED FROM 2016.
- 4.) THESE ARE THE AS BUILT CONDITIONS AS OF 07-14-2022.
- 5.) THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES.

DRAWING LIST:

TITLE	TITLE SHEET (100 SCALE)
AB 1	PORTION OF SITE AS BUILT (20 SCALE)
AB 2	PORTION OF SITE AS BUILT (20 SCALE)
AB 3	PORTION OF SITE AS BUILT (20 SCALE)
AB 4	PORTION OF SITE AS BUILT (20 SCALE)
AB 5	PORTION OF SITE AS BUILT (20 SCALE)
AB 6	LEECHFIELD DETAIL (NOT TO SCALE)

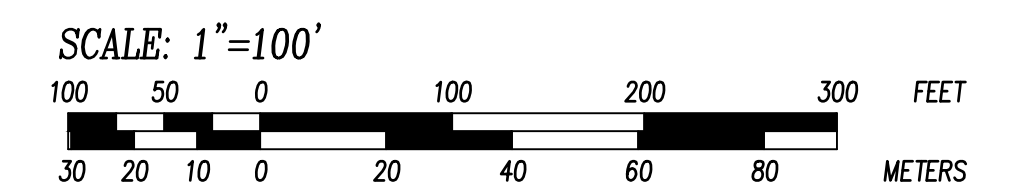
LEGEND:

□ CB	CATCH BASIN	⊕	GROUND LIGHT
⊙ DMH	DRAIN MANHOLE	— D —	FLARED END SECTION
⊙ SMH	SEWER MANHOLE	⊕	GUY WIRE
WV	WATER VALVE	⊕ UP 3-1	UTILITY POLE
⊕	WATER SHUT OFF	GV	GAS VALVE
⊕	SEWER CLEAN OUT	⊕	GAS SHUT OFF
— FM —	SEWER LINE (FORCE MAIN)	— OHW —	OVERHEAD WIRE
— D —	DRAINAGE LINE	— X —	WIRE FENCE
— G —	GAS LINE	— □ —	CHAIN LINKED FENCE
— S —	6" SDR-35 SEWER LINE (GRAVITY) UNLESS NOTED OTHERWISE	— □ —	WOOD FENCE
— s —	BUILDING SEWER SERVICE	— □ —	WOOD GUARD RAIL
— S —	APPROXIMATED LIMIT OF CONCRETE ENCASEMENT	— — — — —	TREE LINE
— S —	APPROXIMATE LIMIT OF PRESSURE RATED PIPE (BLUE BRUTE)	— — — — —	STONE WALL
— W —	WATER LINE	⊕	HYDRANT
— WS —	WATER SERVICE LINE	□ HH	HAND HOLE
— — — — —	EXISTING CONTOURS	— WS —	2" SDR-21 SLEEVED WATER SERVICE LINE
41.8	SPOT GRADE	— — — — —	WETLAND LINE
x	SIGN		
*	LAMP		



Drainage and Sewer Table Notes

spelling



K:\PROJ CIVIL 3D\2016\16072 60005\DWG\1.0 SHEET FILES\16072 AB.DWG SSawyer 9/20/2023 3:45 PM



6 CHESTNUT STREET, AMESBURY, MA.
Phone: (978) 388-2157
CONSULTING ENGINEERS &
LAND SURVEYORS SINCE 1988
www.gm2inc.com

Applicant & Owner:

Cottage Advisors, LLC
487 Groton Road
Westford, MA 01886

Project Title:

DRAKES LANDING
SITE DEVELOPMENT

365 MAIN STREET
WEST NEWBURY, MA

Plan Set Title:

FINAL SITE
AS-BUILT



Date:

Sept. 20, 2023

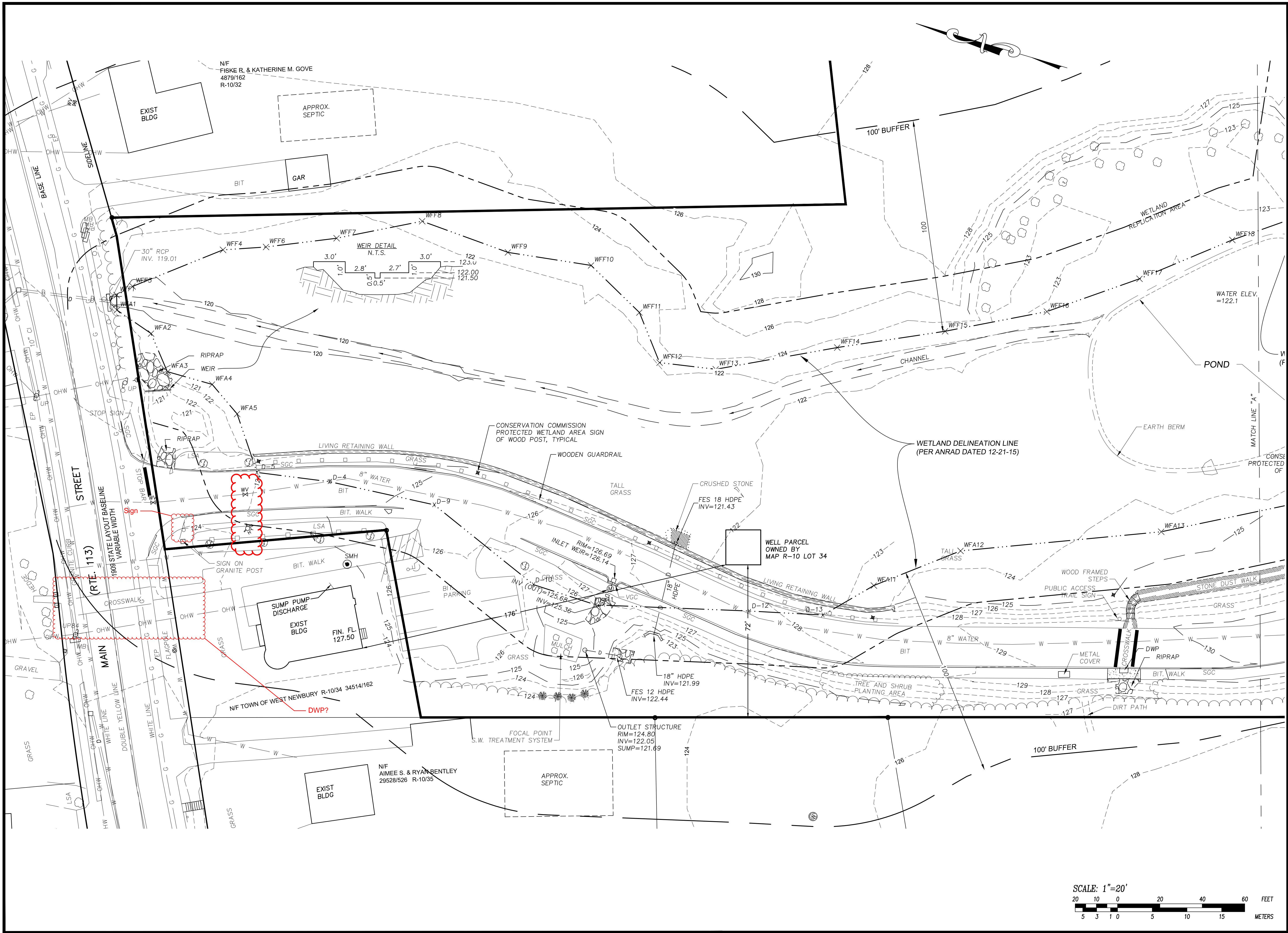
REVISION			
NO.	DATE	DESCRIPTION	BY
1	8/19/22	ADD WETLAND LINES	J5
2	8/18/23	CONSERVATION SIGNS J5	

PROJ. MGR.: D. HAMEL
FIELD: J. SALVAGGIO/E. EDWARDS
DESIGN:
DRAWN: E. EDWARDS
CHECKED: J. SALVAGGIO
DATE: 07/15/22
FILE: 16072 AB.DWG
FBK: 709, 711
JOB #: 16072

SHEET TITLE

Comments from Meridian Associates 02-29-2024

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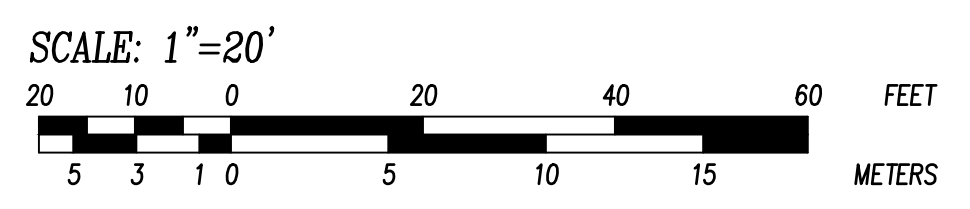
Sheet Title:
**FINAL SITE
 AS-BUILT**
 Project Title:
**DRAKES LANDING
 SITE
 DEVELOPMENT**
 365 MAIN STREET
 WEST NEWBURY, MA

Applicant & Owner:
Cottage Advisors, LLC
 487 Groton Road
 Westford, MA 01886

REVISION			
NO.	DATE	DESCRIPTION	BY
1	8/19/22	ADD WETLAND LINES	JS
2	8/18/23	CONSERVATION SIGNS	JS

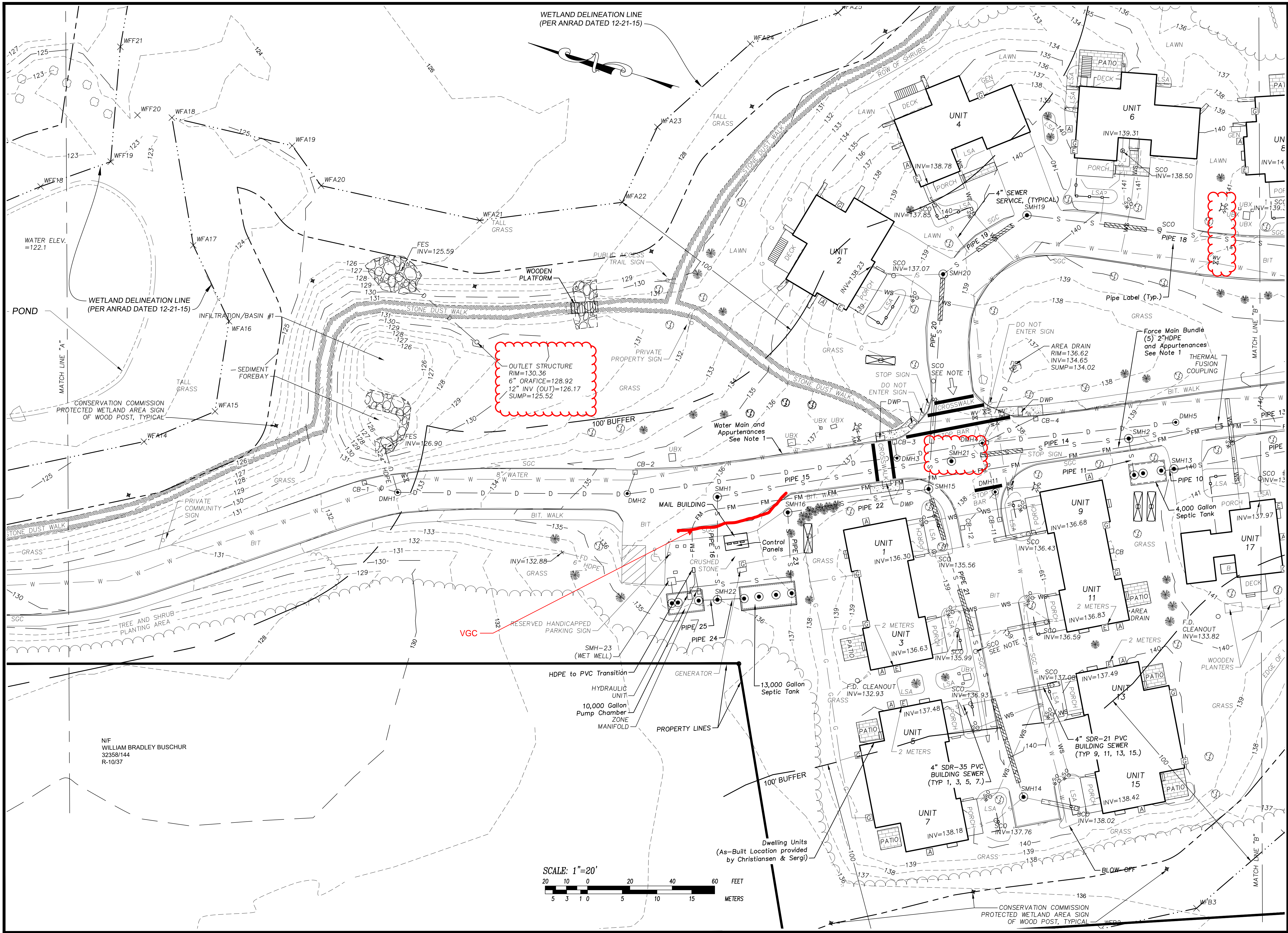
Professional Engineer Seal for Richard W. Reid, Jr., No. 46861, State of Massachusetts.
 Signature: *Richard W. Reid, Jr.*
 Professional Engineer Seal for Stephen B. Sawyer, No. 46861, State of Massachusetts.
 Signature: *Stephen B. Sawyer*

Date: **Sept. 20, 2023**
 PROJ. MGR: D. HAMEL
 FIELD: J. SALVAGGIO/E. EDWARDS
 DESIGN: J. SALVAGGIO
 DRAWN: E. EDWARDS
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Sheet Title:
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Professional Seal: RICHARD W. REID, JR., No. 46861, PROFESSIONAL LAND SURVEYOR
 Signature: Richard W. Reid, Jr.
 Professional Seal: STEPHEN B. SAWYER, No. 0282, REGISTERED PROFESSIONAL ENGINEER

Date: **Sept. 20, 2023**

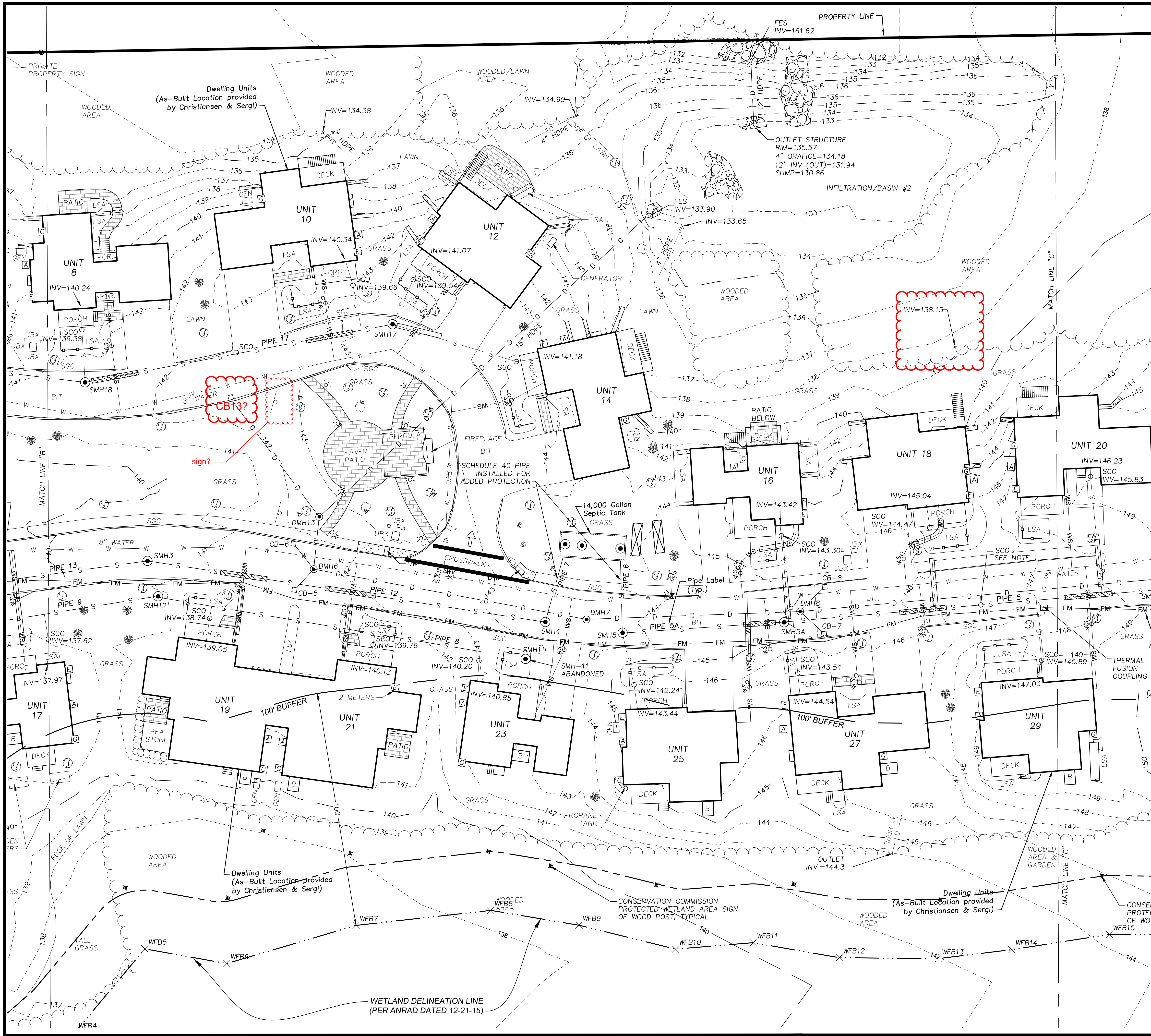
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SHEET AB 2

Comments from Meridian Associates 02-29-2024

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DRAINAGE STRUCTURE TABLE

DMH	Direction	Rim	AB Inv	slope	pipe size	type
CB-1	OUT/DMH1	132.26	128.41	0.016	12"	HDPE
DMH-1	IN/DMH2	132.70	128.27		18"	HDPE
	IN/CB1		128.24		12"	HDPE
	OUT/FES1		127.94		24"	HDPE
CB-2	OUT/DMH2	135.30	130.29	0.115	12"	HDPE
DMH-2	IN/DMH3	135.36	129.49		18"	HDPE
	IN/CB2		129.59		12"	HDPE
	OUT/DMH1		129.44	0.011	18"	HDPE
CB-3	OUT/DMH4	137.23	133.32	0.123	12"	HDPE
DMH-3	IN/DMH4	137.50	130.90		12"	HDPE
	IN/CB3		132.95		12"	HDPE
	OUT/DMH2		130.60	0.009	18"	HDPE
CB-4	OUT/DMH4	138.33	134.68	0.019	12"	HDPE
DMH-4	IN/DMH11	138.04	131.24		12"	HDPE
	IN/CB4		134.24		12"	HDPE
	OUT/DMH3		131.24	0.009	12"	HDPE
	IN/DMH5		134.24		12"	HDPE
	IN/YARD DRAIN		134.24		8"	HDPE
DMH-5	IN/UNIT17	139.30	135.66		4"	PVC
	OUT/DMH4		135.61	0.016	12"	HDPE
CB-11	OUT/DMH11	138.01	134.91	0.058	12"	HDPE
CB-12	OUT/DMH11	138.05	134.72	0.123	12"	HDPE
DMH-11	IN/CB11	137.95	133.98		12"	HDPE
	IN/CB12		133.98		12"	HDPE
	OUT/DMH4		134.13	0.138	12"	HDPE
CB-5	OUT/DMH6	141.43	137.21	0.062	12"	HDPE
CB-6	OUT/DMH6	141.59	138.33	0.035	12"	HDPE
DMH-6	IN/CB5		141.84		12"	HDPE
	IN/CB6		138.06		12"	HDPE
	IN/DMH7		137.21		15"	HDPE
	OUT/DMH13		136.81	0.008	18"	HDPE
DMH-7	IN/DMH8	143.59	139.43		15"	HDPE
	OUT/DMH6		138.33	0.010	15"	HDPE
CB-7	OUT/DMH8	145.09	141.00	0.057	12"	HDPE
CB-8	OUT/DMH8	145.16	140.97	0.054	12"	HDPE
DMH-8	IN/CB7	145.12	140.43		12"	HDPE
	IN/CB8		140.43		12"	HDPE
	IN/DMH9		140.43		12"	HDPE
	OUT/DMH7		140.39	0.011	15"	HDPE
CB-9	OUT/DMH9	149.48	144.26	0.066	12"	HDPE
CB-10	OUT/DMH9	149.58	145.92	0.104	12"	HDPE
DMH-9	IN/CB9	149.46	143.67		12"	HDPE
	IN/CB10		144.88		12"	HDPE
	IN/DMH10		143.69		12"	HDPE
	OUT/DMH8		143.67	0.020	12"	HDPE
DMH-10	IN/OS-3	152.28	144.90		12"	HDPE
	OUT/DMH9		144.75	0.011	12"	HDPE
CB-13	OUT/DMH13	142.39	138.53	0.029	12"	HDPE
DMH-13	IN/CB13	140.98	136.78		12"	HDPE
	IN/DMH6		136.63		18"	HDPE
	OUT/FES2		136.48		18"	HDPE
FES-1	IN/DMH1	127.00	127.00	0.047	24"	HDPE
FES-2	IN/DMH13	133.71	133.71	0.015	18"	HDPE

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Sheet Title:

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AS-BUILT**

Project Title:

**DRAKES LANDING
SITE
DEVELOPMENT**

365 MAIN STREET
WEST NEWBURY, MA

Applicant & Owner:

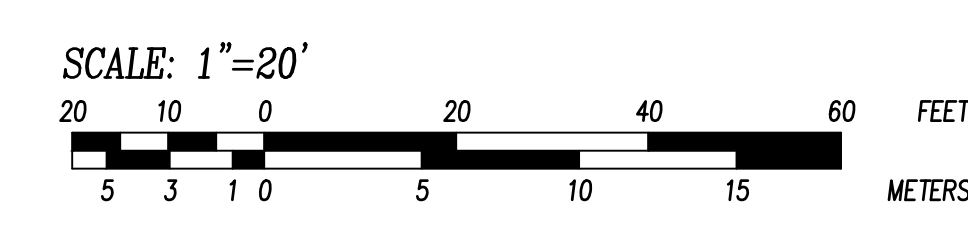
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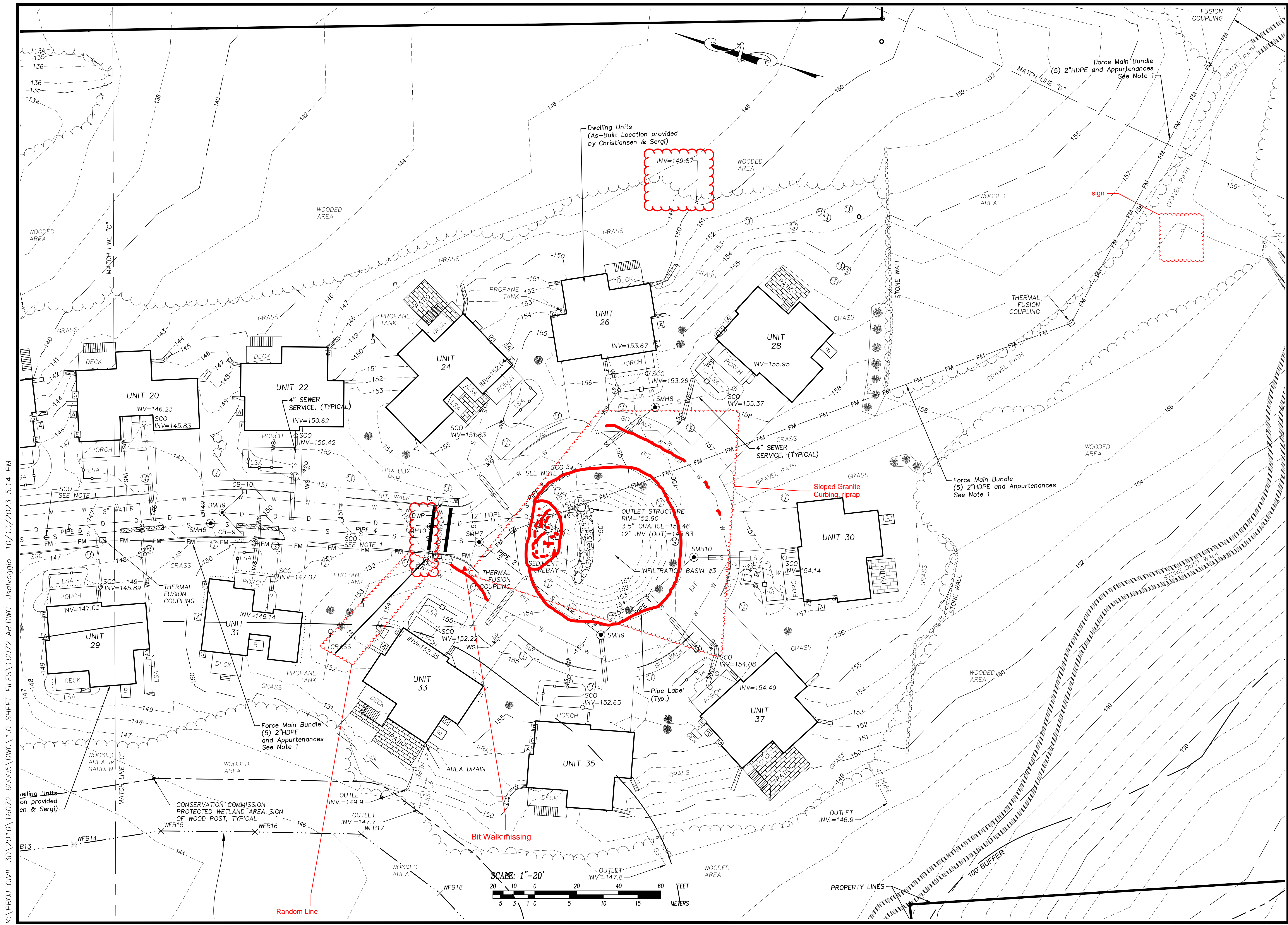


Date: **OCT. 13, 2023**

PROJ. MGR: D. HAMEL
 FIELD: J. SALVAGGIO/E. EDWARDS
 DESIGN: J. SALVAGGIO
 DRAWN: E. EDWARDS
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Comments from Meridian Associates 02-29-2024



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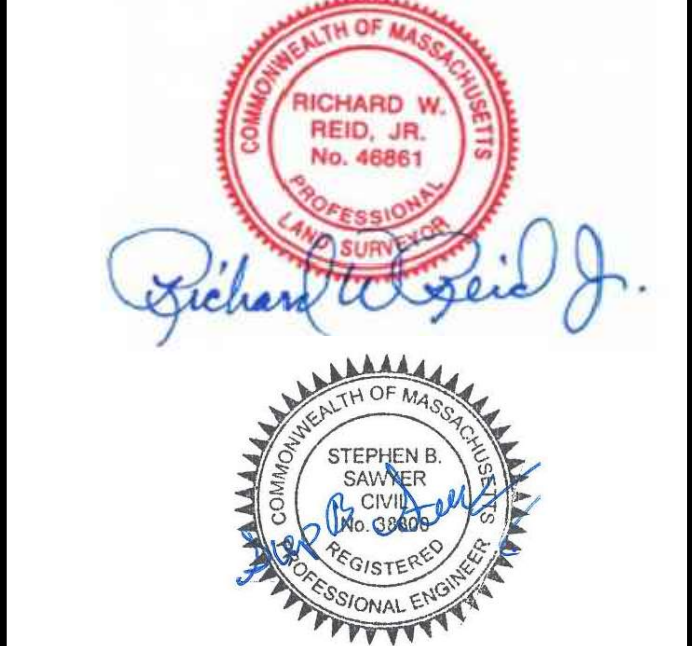
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SHEET AB 4

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Comments from Meridian Associates 02-29-2024

Frequently Asked Questions: MBTA Communities Multi-Family Overlay District (MCMOD)

Why are we considering a Multi-Family Overlay District Bylaw?

- Chapter 358 of the Acts of 2020 (“Acts”) amended the state zoning act to stimulate economic development and address the housing crisis by requiring that towns allow multi-family housing near transit with by-right zoning.

What is the law?

- The new law states that all MBTA Communities must have a zoning district where multi-family housing is allowed as-of-right, meaning without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- Complying with the law is mandatory. If a town does not comply, the town will be ineligible for many critical state funding programs, may be subject to civil enforcement action and, also risk liability under federal and state fair housing laws.

What is an MBTA Community

- MBTA is the Massachusetts Bay Transportation Authority. A city or town with MBTA service, or adjacent to a city or town with MBTA service, is considered an MBTA Community. West Newbury is designated as an MBTA Adjacent Small Community because the abutting towns of Newburyport and Haverhill have MBTA Commuter Rail Service.

Why did the state pass this law?

- Local zoning restrictions on multi-family housing are contributing to the state’s housing shortage. Changing zoning to remove these barriers can stimulate the development of more diverse types of housing, providing places to live for young people, older people looking to downsize, and others who cannot afford, or do not want, to buy or rent a single-family residence.

What is multi-family housing?

- Multi-family housing is defined as:
 - a building with three or more residential units; or
 - two or more buildings on the same lot with more than one residential unit in each building.

What does the law mean for West Newbury?

- The Town is required to adopt a zoning district where multi-family housing is allowed as-of-right. The zoning district can require Site Plan Review to ensure that a project meets established environmental and aesthetic standards, but as long as a project meets the zoning criteria, it must be approved.
- The law requires that the district must:
 - Allow for a minimum density of 15 dwelling units per acre.
 - Be of reasonable size, which for West Newbury means a minimum of about six acres.
 - Include land that is feasible to develop. (Excludes steep slopes, wetlands, protected conservation lands, cemeteries and most other town-owned properties.)
 - Allow multi-family housing that is suitable for families with children. For example, it cannot limit the number of bedrooms in a dwelling unit or the age of residents.
 - Create the potential capacity for 87 dwelling units (this number is based on the 2020 Census, specifically 5% of our year-round housing units).

- The law **DOES NOT** require:
 - that any housing units be built, just that our local zoning allows them.
 - the use of town-owned land.
 - the town to provide utilities or services not already provided in the area.
 - affordable housing, however a maximum requirement of 10% affordability may be allowed if the Town has an existing bylaw requiring such for other developments. West Newbury does have an existing Inclusionary Zoning Bylaw that requires 10% of housing units in any new development qualify as affordable.

What is the proposed MBTA Communities Multi-family Overlay District (MCMOD)?

- Currently under consideration are about 7 acres at both 187 Main Street (Knapp) and 317 Main Street (Dunn).
- The regulations that control development within the MCMOD include dimensional controls and site and building design standards.

Is it likely that all 87 units would be built?

- Any proposed development would face pragmatic challenges that may limit the number of units being proposed. Soils, topography, water pressure, wetlands, septic requirements, among other issues will determine the building capacity of the District.
- Title V regulations for example, limit wastewater flows to less than 10,000 gallons per day without a wastewater treatment system (package plant). Given that flows are calculated as 110 gallons per day per bedroom, development would be limited to a maximum of 90 bedrooms (30-40 housing units) unless the developer installed a wastewater treatment system. Wastewater treatment systems are permitted by Mass DEP, are expensive, require considerable land area and have ongoing operational and maintenance costs. For these reasons they are typically reserved for larger developments (hundreds of units).

Is housing created under MCMOD Regulations subject to West Newbury's zoning, wetland, septic, stormwater and other requirements?

- Yes, MCMOD Developments are subject to all applicable requirements of the West Newbury Zoning Bylaw, Conservation Commission/Wetland regulations, Stormwater Management regulations and Title V Septic regulations. Any building would require a building permit and must meet all applicable building codes.

How was the proposed Bylaw developed?

- Using State Grant funds, the Town secured the services of Dodson & Flinker, a design and planning firm, to lead a community planning process.
- The public planning process that began in April of 2023 helped the Town identify and evaluate three potential districts and create zoning to regulate potential development within the selected district.
- The process included presentations and discussions at Planning Board Meetings in 2023 and 2024 (March 21, April 4, May 16, July 18, Sept 19, Oct 17, Nov 21, Dec 5, Dec 19, Jan 2, Jan 16, Feb 6, Feb 20), virtual community forums (April 18, June 20, Sept 5, Nov 7), an in-person community forum (Nov 15), an in-person design workshop (June 27) and a public hearing (March 19, 2024).

How was the MCMOD district selected?

- The planning process included a systematic evaluation of land throughout town using a series of maps that provided a visual representation of lands with regulatory and other development constraints (including lands of high environmental value, protected lands, water and wetland resource and buffer areas, steep slopes, small lot sizes and land protections). These maps were overlaid with maps that showed positive attributes for housing development (primary roads, public water access, proximity to amenities and services, parcel size among others). The result of this mapping exercise led to the selection of three sites for further evaluation and to test development scenarios on.
- After further evaluation of the sites, the Board concluded that two sites would be appropriate, eliminating the Mullen site from further consideration. The principal reason for not putting forth the Mullen site (north side of Main Street opposite Daley Drive) is that the site is town-owned and identified as non-compliant land under the MBTA Communities criteria. Additionally, the town has historically desired a significant proportion of affordable units if housing is to be built on the Mullen Property, but MBTA Community districts are limited to 10% affordability.
- The Board is currently evaluating the two sites (Knapp and Dunn) through a head-to-head comparison of strengths and challenges, relying on their understanding of the sites and public input.

Strengths and Challenges of 317 Main (Dunn) and 187 Main (Knapp)

		317 Main (Dunn)		187 Main (Knapp)		
		Strength	Challenge	Strength	Challenge	
Location	Access from major street	Yes		Yes		
	Proximity to Town Services Complex	Easy walking distance (<1/2 mi, ~10 mins)		~1 mi (walk: 15-20 mins)		
	Proximity to retail, services, PO, churches	Within Town Center, easy walking distance (<1/4 mi, ~5 mins)		Easy walking distance (<1/2 mi, ~10 mins)		
	Proximity to Middle High School		~1.5 mi, ~30 mins	Walking distance (<3/4 mi, ~15 mins)		
	Sight lines at likely entrance		Concern w/sight lines to West	Sight line distances reasonable	Left turning traffic problematic	
	Traffic volume/speed		Speed expected to be somewhat lower	Volume expected to be higher	Volume expected to be lower	Speed expected to be somewhat higher
					Site has history of traffic entering and existing this site so locals may be more accustomed to more volume here	
	Intersections		Concern regarding proximity to Church St intersection		Concern regarding proximity to Pleasant and Harrison intersections	
	Potential access to future public transportation	Main St location good for potential access		Main St location good for potential access		
	Access to public water supply	Water access	Fire flow likely not adequate with existing infrastructure	Water access, Fire flow likely adequate with existing infrastructure		
Other			Owners fully support rezoning effort, hope to sell for redevelopment			
Site Characteristics	Visibility of development	Much of development may not be visible from Main St			Development on this site is likely to be more visible from Main St	
	Consistency with nearby development	Daley Drive similar development pattern, small lot single-family housing on Maple; opportunity to match street side buildings to styles that currently exist		Small lot single family housing on Merrill, Mechanic, Pleasant; opportunity to match street side buildings to styles that currently exist		
	Open space opportunity	High point of land could remain open		Opportunity to retain front field (protected by stream and buffer zones)		
	Topography		Elevation changes - challenge to development: entrance/exit, stormwater		Relatively level site	
				Site development may require substantial retaining wall		
	Drainage		Stormwater runoff a concern/would require considerable infrastructure to control; Drainage issues currently impact neighbors		Limited concern regarding runoff and less stormwater infrastructure needed due to level nature of site	
					Site provides opportunity for smaller scattered stormwater collection sites	
	Soils Information		Best perc location (back of lot) may conflict with best location for housing	Preliminary perc explorations are positive		
			Subsurface/soils unknown	Considerable knowledge of subsurface/soils		
	Vegetation	Perhaps less tree clearing needed			More trees may need to be cut, Owners indicate vegetation is not mature	
	Frontage		Frontage provides limited options for entrance/exit	Good amount of frontage		
	Other		Site is still in agricultural use			

Town Planner Report

March 6, 2024

Housing Opportunities Initiative (MBTA Community Multi-Family Zoning District)

- Public Hearing Scheduled for March 19, 2024 – Hybrid Meeting
- [Frequently Asked Questions document](#) uploaded to project site and legal ads page, and available in Town Offices (desk in front of 1st floor meeting room), and at Library
- Dodson & Flinker is working with Executive Office of Housing and Livable Communities to discuss whether there is an opportunity to create a compliant district that gives a developer flexibility to pick the best portions of the site for development and conservation without increasing the allowed number of units beyond what is required by the law.

Housing Production Plan

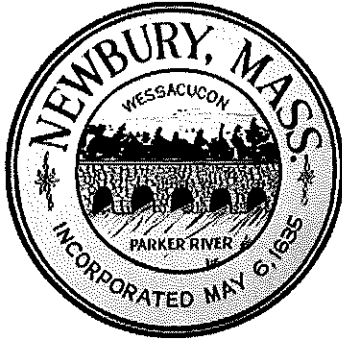
- [Jan 20 Housing Needs Forum Summary](#) is posted on the HPP project web page.
- Next step is for MVPC to submit a draft Housing Production Plan for municipal review

Annual Town Meeting

- Proposed MBTA Communities Multi-Family Overlay District Zoning amendment and amendments to Zoning Definitions will be subject of Public Hearing on March 19, 2024.
- The hearing will be hybrid: attendees can join on line via Zoom or in person at Town Offices first floor hearing room.
- Both Zoning amendment proposals are available for review on line and in the Town Clerk's Office
- Select Board and Finance Committee will discuss the amendments at a joint meeting on March 20th
- Oral Reports will be presented at Town Meeting (Planning Board and Building Inspector)
- Frequently Asked Questions regarding MBTA Communities Multi-family Overlay District will be an available handout.
- Select Board is submitting an article to fund further technical support for Multi-Family Zoning if needed.

Projects Summary

- Deer Run, 519 Main Street:
 - Interim Street As-Built Plans revised per Peer Review recommendations. Positive review confirms acceptability.
 - Applicant requesting lot release for Lot #4 (Units 1 & 3)
 - Inclusionary Housing Payment due to Affordable Housing Trust - \$70,000.
- Drakes Landing Project Close-out
 - Applicant requesting release of Performance Bond and any Escrow balance.
 - Planning Office has received Final Site As Built Plans; Meridian is reviewing
 - Town Counsel will review draft Performance bond release.
- 125 River Road, Eagle Nest Definitive Subdivision
 - Hearing Continued to March 6
 - Revised Concept Plan submitted, along with responses to Department comments
 - Recommend request for Decision Extension (Fall timeframe?)



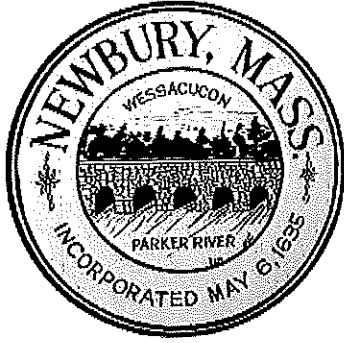
**TOWN OF NEWBURY
ZONING BOARD OF APPEALS
12 KENT WAY, SUITE 101
BYFIELD, MA 01922**

ABUTTER'S NOTICE

Notice is hereby given that the Newbury Zoning Board of Appeals will hold a public hearing on **Thursday, March 14, 2024, at 7:30 p.m.**, in the Hearing Room, 2nd Floor, Newbury Municipal Offices, 12 Kent Way, Byfield, MA 01922, on the application of **Mark and Teresa Richey, 10 Fordham Way, Plum Island, Newbury, MA 01951.**

The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 97-4D(5)(c)01 (increase in square footage) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to raze the existing structure at 8 Fordham Way, the merging of the two lots of 8 Fordham Way and 10 Fordham Way, and the construction of a new residential addition onto the existing single-family dwelling on the newly combined lot, at 10 Fordham Way, Plum Island, Newbury, MA 01951 (Assessor's Map U01 Lot 21 (8 Fordham Way) and Map U01 Lot 20 (10 Fordham Way)).

To obtain a copy of the application, please contact the Town of Newbury's Zoning Administrator at 978/465-0862 x304, Monday-Thursday from 8am-4pm.



**Town Of Newbury
ZONING BOARD OF APPEALS
12 Kent Way, Suite 101
Byfield, MA 01922**

ABUTTER NOTIFICATION

Notice is hereby given that the Newbury Zoning Board of Appeals will hold a public hearing on Thursday, March 14, 2024, at 7:30 p.m. in the Hearing Room, 2nd Floor, Newbury Municipal Offices, 12 Kent Way, Byfield, MA 01922, on the application of **Brendan Pyburn and Jillian Jakubowicz, 230 High Road, Newbury, MA 01951.**

The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 97-10D(2)(c) (detached accessory apartments) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to construct a detached accessory unit for use as an accessory apartment, on the property located at 230 High Road, Newbury, MA 01951 (Assessor's Map R26, Lot 16).

To submit comments or questions, or to obtain an electronic or hard copy of the submittal, please contact the Newbury Zoning Board of Appeals office at 978/465-0862 x304 between the hours of 8am-4pm Monday-Thursday, or email the department at zba@townofnewbury.org.

Town Of Groveland
Planning Board
183 Main Street
Groveland MA, 01834



Brad Ligols, Chair
Walter F Sorenson Jr., Vice-Chair
John Stokes III
DJ McNulty
Chris Goodwin
Jason Naves, Associate

OFFICE OF GROVELAND
FEB 21 AM 9:25
RECEIVED

NOTICE OF DECISION
SITE PLAN APPROVAL
STORMWATER MANAGEMENT & LAND DISTURBANCE

912 SALEM STREET

PETITIONER: Mark A. Abare
144 Hilldale Ave
Haverhill, MA

DATE: February 21, 2024

PROJECT ADDRESS: 912 Salem Street
Groveland, MA
41-095-0

HEARING: October 30, 2023, November 28,
2023, December 19, 2023,
January 9, 2024

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by Mark A. Abare (the "Applicant") for property owned by William T. Bryan III of 158 Academy Ave, Weymouth, MA 02188, located at 912 Salem Street, Groveland MA, Assessors Map 41 Lot 095, located in the Industrial (I) Zoning District, where the project is location, and the Residential 1 and Residential 2 Zoning District (the "Property") for a Site Plan Approval and Special Permit in accordance with the Groveland Zoning Bylaw and the Groveland Stormwater & Land Disturbance Bylaw.

As set forth in the application filed with the Board and testimony, the Applicant sought Site Plan Approval and Stormwater Management and Land Disturbance Permit to construct a 18,800 square foot contractor building with 36 parking spaces and associated stormwater management features.

The application was filed on August 28, 2023. The first hearing took place on October 30, 2023, and was continued to November 28, 2023, December 19, 2023, January 9, 2024. The hearing was advertised in the Lawrence Eagle-Tribune on October 16, 2023, and October 23, 2023. All abutters were notified via Certified Mail Return Receipt.

The following members were present: Brad Ligols, Walter F Sorenson Jr., DJ McNulty, Chris Goodwin, and Jason Naves. John Stokes III was unable to vote due to missing multiple hearings, therefore Jason Naves was the fifth voting member in this matter.

FINDINGS OF FACT

The Board makes the following findings in connection with this Decision, which references the criteria for the granting of a Special Permit in the Groveland Zoning Bylaw Section 14.6(A).

- (1) Social, economic, or community needs which are served by the proposal.

The Board finds that this proposal will contribute to economic development within Town and provide for the community need for people to store their work equipment.

- (2) Traffic flow and safety, including parking and loading.

The Board finds that this condition has been addressed adequately throughout the application and hearing process.

(3) Adequacy of utilities and other public services.

The Board finds that this condition has been met as utilities will be installed underground/per the utilities requirements and the lighting has been designed to meet DarkSky principles.

(4) Neighborhood character and social structures.

The Board finds this condition has been met.

(5) Impacts on the natural environment.

The Board finds that this condition has been met through the design of the project, as well as addressed through an Order of Conditions issued by the Conservation Commission.

(6) Potential fiscal impact, including impact on Town services, tax base, and employment.

The Board generally finds that this project will have no negative impact on Town services, namely school enrolment, or the tax base, and will have a positive impact on employment.

(7) Consistency with the Town of Groveland Community Development Plan or the Town of Groveland Master Plan.

The Board finds that this project consistent with the goals outlined in the Groveland Comprehensive Master Plan.

For the reasons set forth above, the Board finds that the project as proposed is in compliance with the Town of Groveland Zoning Bylaw and General Bylaw.

DECISION

After the meeting on the above dates, and upon a motion by Walter F. Sorenson Jr., seconded by Chris Goodwin, the Planning Board APPROVES the application for 912 Salem Street Stormwater Management and Land Disturbance Special Permit as discussed with the conditions and restrictions discussed this evening (*January 9, 2024*) along with the final engineering report and necessary corrections. A roll call vote was taken. Voting aye: Sorenson, McNulty, Ligols, Goodwin, Naves. The motion is approved unanimously.

After the meeting on the above dates, and upon a motion by Walter F. Sorenson Jr., seconded by Dennis McNulty, the Planning Board APPROVES the Site Plan Approval decision with the corrections and modifications as listed with TEC and final engineering report. A roll call vote was taken. Voting aye: Sorenson, McNulty, Ligols, Goodwin, Naves. The motion is approved unanimously.

SPECIAL CONDITIONS

- 1) The Planning Board shall enforce all conditions in this Memorandum of Decision.
- 2) A Knox box Key box shall be provided for Fire Department use. The box shall be located at the discretion of the Fire Chief and include keys for the fence gate and building.
- 3) Any change or expansion in use and any additional tenants shall require the Owner to present a proposal to the Planning Board to determine if the modifications require further Site Plan Approval and to provide proof that adequate parking is on site. If the required parking is not provided and additional parking is needed, the Owner shall file for a Parking Reduction Special Permit as stated in Section 9 of the Groveland Zoning Bylaw.
- 4) The sign shall be approved by the Building Commissioner as required under Section 11 of the Groveland Zoning Bylaw. A copy of the approved design and dimensions shall be provided to the Planning Board. The sign shall not be illuminated from 11PM to 7AM as required under Section 11.4.12.
- 5) The project site is located in Zone 2 of the Aquifer Protection Overlay District. All items listed under Section 6.2.1 of the Groveland Zoning Bylaw are prohibited. Specifically, please note the following sections:
 - d) petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments;
 - e) storage of liquid hazardous materials, as defined in G.L. c.21 E, and liquid petroleum products, unless such storage is:
 - 1) above ground or floor level; and
 - 2) on an impervious surface; and
 - 3) either in container(s) or above ground container(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a covered containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest containers storage capacity, whichever is greater.
 - f) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of
 - h) discharge via floor drain(s), with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system, in any industrial or commercial facility if such floor drain is located in either:
 - 1) an industrial or commercial process area; or
 - 2) a petroleum, toxic, or hazardous materials and/or waste storage area.
 - j) storage of commercial fertilizers, as defined in G.L. c. 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

PRIOR TO ANY SITE WORK & ISSUANCE OF A BUILDING PERMIT

- 6) The Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. Two (2) copies of the signed and recorded Memorandum of Decision must be delivered to the Planning Board.
- 7) A Performance Guarantee in the form of a bond, cash or letter of credit, and in the amount of \$50,000 shall be posted for the purpose of ensuring that the site is constructed in accordance with the approved plans, including land restoration, and that a formal as-built plan is provided.
- 8) The Applicant shall obtain approval from the Groveland Board of Health for the proposed septic design. Documentation shall be provided to the Planning Board.
- 9) A construction schedule shall be submitted to the Planning Board for the purposes of tracking the construction and informing the public of anticipated activities on-site.
- 10) A pre-construction site meeting shall be held with the Applicant, contractor, Town Planner, Building Commissioner, Conservation Agent, Water and Sewer Superintendent, Fire Chief, Groveland Municipal Light General Manager, Highway Superintendent, and construction monitor.
- 11) The Peer Review Engineer will perform construction monitoring. The monitor will oversee the construction to ensure that the site is built according to plan. The monitor shall make inspections of the project and file monthly reports to the Planning Board throughout the duration of the project. The frequency of inspections may be adjusted in coordination with the Town Planner based on the construction phase and weather conditions. The reports shall detail areas of non-compliance with the approved Plans, and any corrective-actions taken. Specifically, the Applicant shall notify the Planning Board at least two (2) working days before each of the following event:
 - a. 14.10.2.1 Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.
 - b. 14.10.2.2 Site Clearing has been substantially completed
 - c. 14.10.2.3 Rough Grading has been substantially completed
 - d. 14.10.2.4 Final Grading has been substantially completed
 - e. 14.10.2.5 Close of the Construction Season; stabilization of the site.
 - f. 14.10.2.6 Final Landscaping (permanent stabilization) and project final completion.
- 12) Per Section 14.10.3, the monitor shall make weekly inspections of the project, provide monthly reports to the Planning Board, and detail any areas of non-compliance and corrective actions. The monitor will also provide reports following heavy rain events (storm events greater than 0.5 inches).
- 13) Fire hydrants will be on site and functional prior to the issuance of a building permit.

DURING CONSTRUCTION

- 14) The construction contractor shall employ all available best-management-practices for the control of dust, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.
- 15) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.
- 16) Stockpiles must be appropriately stabilized and/or covered.
- 17) It shall be the responsibility of the Applicant to assure that no erosion from the construction site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site construction. Discovery of off-site erosion will be a basis for the Planning Board to make a finding that the project is not in compliance with the approved Plans. In the event off-site erosion is discovered as a result of construction activity, the Planning Board shall give the applicant written notice of any such finding within 48 hours to provide evidence of corrective action.
- 18) In an effort to reduce noise levels, the Applicant or contractor shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- 19) The Applicant must submit a letter from the architect and engineer of the project stating that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board. Alternatively, the applicant may provide a bond, determined by the Planning Board, to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to use of the building.
- 20) The Building Commission shall receive sign offs from the Water & Sewer Department, Groveland Municipal Light Department, Conservation Commission, and Fire Department prior to issuing any occupancy or temporary occupancy.
- 21) The Planning Board will review the site; any screening as may be reasonably required by the Planning Board will be added at the Project Owner's expense.

PRIOR TO THE RELEASE OF ALL SECURITY AND ESCROWED FUNDS

- 22) The Applicant shall submit an as-built plan stamped by a Registered Professional Engineer in Massachusetts that shows all construction, site design, including stormwater structures and other pertinent site features. One paper copy and one electronic copy (PDF) shall be submitted to the Town Planner. If over 1 year has elapsed from the issuance of the Certificate of Occupancy, the Applicant must submit a second letter from the architect and engineer verifying that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board.

- 23) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plan.

GENERAL CONDITIONS

- 24) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 25) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 26) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval, aquifer protection district special permit and stormwater management and land disturbance permit shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 27) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 28) Gas, telephone, cable, and electric utilities shall be installed underground as specified by the respective utility companies. Lighting associated with the project must adhere to DarkSky principles.
- 29) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 30) All site work and construction will adhere to the requirements of the Groveland General Bylaw Section 219-9 to Section 219-12 which denote the allowed hours of work and exceptions.
- 31) All materials shall be stored inside or in a designated outdoor area that will not limit parking spaces.
- 32) To prevent unsightly or abandoned cars onsite, there shall be no vehicle storage or unregistered vehicles and no overnight storage of vehicles unless the vehicle is associated with a tenant of the building.
- 33) The Applicant is responsible for conducting a field assessment of the signal operations of the traffic light at the intersection of School Street and Salem Street at 75% building occupancy to ensure that the timing of the traffic light is proper for the increased traffic. This may require adjusting the timings of the traffic light as needed.
- 34) This Site Plan Approval shall be deemed to have lapsed after January 9, 2025, (one year from the date granted), exclusive of the time required to pursue or await determination of any appeals,

unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Planning Board.

35) This Stormwater Management and Land Disturbance Permit shall be deemed to have lapsed after January 9, 2027, (three years from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said three-year period or for good cause as determined by the Planning Board.

36) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c.40A Section 17, to appeal this decision within twenty days after the date this decision has been filed with the Town Clerk.

37) The following information shall be deemed part of the decision:

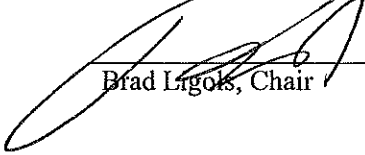
Plan titled: SITE PLAN FOR REDEVELOPMENT 912 SALEM STREET – GROVELAND, MA
Prepared for: Mark A Abare, 144 Hilldale Avenue, Haverhill MA
Prepared by: R.J. O’Connell & Associates, Inc. 80 Montvale Ave, Suite 201, Stoneham MA
Scale: Varies
Date: August 11, 2023 and revised to February 7, 2024
Sheet: C-0, EX-1, EX-2, N-1, C-1, C-2, C-3, C-4, L-1, L-2, L-3, L-4, C-5, C-6, C-7, C-8 (on file in the Economic Development, Planning and Conservation Department)

Report titled: Stormwater Management Report 912 Salem Street Groveland Massachusetts
Prepared for: Mark A Abare, 144 Hilldale Avenue, Haverhill MA
Prepared by: R.J. O’Connell & Associates, Inc. 80 Montvale Ave, Suite 201, Stoneham MA
Date: August 11, 2023, revised to November 27, 2023.

The Planning Board APPROVES the application for Site Plan Approval and Stormwater Management and Land Disturbance.

PLANNING BOARD

Approved on January 9, 2024.

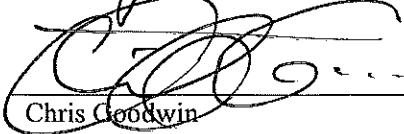


Brad Ligoks, Chair

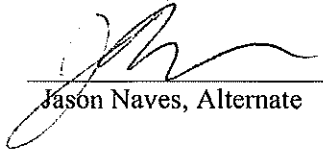
Walter F. Sorenson Jr.



DJ McNulty



Chris Goodwin



Jason Naves, Alternate

cc:

Town Departments
Applicant
Abutters